



**To:** Zoning Board of Appeals

**From:** Ralph Vitacco, Director of Planning & Economic Development

**Subject:** The Adventure Park at Heritage Museums and Gardens, LLC  
Special Permit

**Date:** 05/24/19

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For your consideration, the Board should exercise extreme prudence prior to closing the public hearing. Several issues will need to be addressed, and the Board can begin its initial determination during the public hearing allowing for additional contribution by the applicant, public and staff in order to create a defensible decision.

If the Board sees fit to request a change in the applicant's presentation, they should continue the public hearing to allow for a submission that reflects the desire of the Board rather than subject the request to a condition.

The Board should to their satisfaction receive adequate definitions and examples to the following prior to closing the public hearing and entering into deliberation:

- Has the applicant satisfied to the Board that they are not an Amusement Park;
- Has the applicant satisfied to the Board that they meet the criteria for an Outdoor Recreation Facility;
- Has the applicant satisfied to the Board that they meet the criteria for small scale;
- Has the applicant satisfied to the Board that they meet the criteria for community;
- Has the applicant satisfied to the Board that they meet the criteria of no building or other structure related to the outdoor recreation facility shall be constructed or placed on a lot with an area less than 80,000 SF. Such structure shall be single story, shall be compatible with surrounding neighborhood and shall not exceed 500SF. In residential districts concessions located within permanent structures are expressly prohibited;
- Has the applicant satisfied to the Board that they meet the criteria for lighting in residential districts as described in 4151 b;

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- Has the applicant satisfied to the Board that they meet the criteria that lot coverage by buildings, structures, paving or other impervious surfaces or additions to any buildings, structure, paving or other impervious surfaces shall not exceed twenty percent;
- Has the applicant satisfied to the Board that the elements of the ropes course does or does not meet the definition of "structure," as presented in the Sandwich Protective Zoning By-Law;
- Has the applicant satisfied to the Board that they meet the criteria that buildings or structures shall not be located within one hundred feet of any property line;
- Has the applicant satisfied to the Board that they meet the criteria that off street shall be provided within one hundred feet of any property boundary line and shall be screened from any public way or driveway;
- Has the applicant satisfied to the Board that they meet the criteria that spectator seats shall not exceed one hundred in number;
- Has the applicant satisfied to the Board that they meet the criteria that nuisance, hazard or congestion will not be created as a result of the special permit;
- Has the applicant satisfied to the Board that they meet the criteria that there will be no substantial harm to the neighborhood as a result of the special permit;
- Has the applicant satisfied to the Board that they meet the criteria that there is no derogation from the intent of the bylaw such that the districts' objectives will not be satisfied as a result of the special permit.

If the Board sees fit to institute conditions it should discuss the impact of those potential conditions on both the applicant and the adjoining neighborhood.

In addition to meeting the criteria established in 4151, the Board may wish to consider the following:

- Maximum number of climbers allowed at any given time;
- Length of season and hours of operation;
- Adherence to a reservation system to help manage vehicle activity.

Submitted for your consideration.